

REMARKS

This Amendment is filed in response to the Final Office Action mailed on August 14, 2008. All objections and rejections are respectfully traversed.

Claims 1-2, 4-12, 14, 25-33 are in the case.

Claim Rejections – 35 USC § 103

At paragraph 2 of the Office Action, claims 1-2, 4-12, 14, and 25-33 were rejected under 35 U.S.C. § 103 as being patentable over Jaskiewicz, U.S. Patent No. 5,257,418 hereinafter Jaskiewicz.

Applicant's claimed invention, as set forth in representative claim 1, comprises in part:

1. A glove with a protective pad assembly, comprising:
a base layer that extends over a user's palm and encircles a user's thumb to protect a user's hand to which protective layers are to be applied, the base layer including integral fasteners on at least one internal or outwardly facing surface; and
a plurality of protective layers that consist of protective material with integral fasteners on the respective surfaces thereof, the respective layers of the plurality of protective layers being smaller than the base layer and sized to cover regions of the base layer that correspond to an injury to a median nerve, the user's thumb, or bones or joints covered by the glove, ***the plurality of layers being arranged relative to the base layer to provide a selected number of protective layers to selected locations that correspond to the injury to the median nerve, the user's thumb, or bones or joints covered by the glove, the protective layers being configured to fasten to the base layer and to one another to provide at a given selected location the protection of a desired number of layers and to provide at any other selected locations as needed the protection of the same or a different number of layers.***

By way of background, Jaskiewicz discloses two embodiments for a glove that protects a user using air pockets. The first embodiment includes a glove with one or

more permanently stitched pockets that are filled with air using a pump that is embedded in the wrist of the glove. The second embodiment includes a plurality of air compartments prefilled with air that are attached in a single layer to the palm of the glove. The plurality of air compartments can be attached by Velcro to different locations on the palm.

Applicant respectfully urges that Jaskiewicz does not teach or suggest Applicant's claimed novel *the plurality of layers being arranged relative to the base layer to provide a selected number of protective layers to selected locations that correspond to the injury to the median nerve, the user's thumb, or bones or joints covered by the glove, the protective layers being configured to fasten to the base layer and to one another to provide at a given selected location the protection of a desired number of layers and to provide at any other selected locations as needed the protection of the same or a different number of layers*. In further detail, Applicant's claimed invention is to a glove that allows a user to apply multiple layers of padding to selected locations on the user's hand corresponding to an injury to the user's hand. The selected location may be the median nerve or the user's thumb. The user can adjust the number of protective layers that are applied at particular locations. For example, just after an injury to a user's median nerve, a user may apply two protective layers on top of the base layer corresponding to the location of the median nerve. As the injury heals, the user may apply just a single protective layer to the base layer corresponding to the median nerve. Additionally, if a user injures two locations on a hand, the user can apply different numbers of protective layers to the respective injuries based on what the user finds to be most comfortable.

Applicant respectfully urges that Jaskiewicz does not disclose or suggest a glove with a *plurality of layers being arranged relative to the base layer*, as claimed by Applicant. Jaskiewicz discloses attaching multiple air pockets in a single layer to a palm of a glove using Velcro. There is no teaching or suggestion in Jaskiewicz of attaching air pockets one on top of the other. Further, the air pockets do not provide a flat surface for each to attach to, thus the Jaskiewicz reference teaches away from using a plurality of layers of pockets.

Furthermore, the Examiner states at page 2 of the Office Action that Jaskiewicz discloses “one or more air cushions at a given location on the palm, col. 4, lines 66-68.” Applicant respectfully notes that column 4, lines 66-68, actually states “a novel and effective glove employing one or more air or gaseous cushions on the palm thereof for the absorbing of shocks and impacts encountered in a wide variety of sporting and industrial activities.” (emphasis added) Thus, Jaskiewicz merely discloses having more than one air cushions on the palm, such as shown in Jaskiewicz’s Figures 5 and 6. There is no disclosure in Jaskiewicz that one air cushion can attach to a second air cushion and then to the base layer to produce layers of padding, as claimed by Applicant.

Additionally, the Examiner states at pages 2-3 of the Office Action that “Col. 5, lines 14-15 of Jaskiewicz ‘418 states that the plurality of air layers prevents the need for buying gloves having padding or gel. Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to recognize that the plurality of removable air layers of Jaskiewicz can be substituted with padding, gel, hot/cold packs, splints, etc. since such devices are alternative but equivalent in dissipating force of impact imposed thereon when the glove is worn.”

Applicant respectfully notes that Jaskiewicz, at col. 5, lines 11-15, states: “Further, the air compartments can be maintained at predetermined temperatures without the necessity for continuously buying new gloves such as would be the case with gloves having padding or gel in the palm thereof.” (emphasis added) This statement relates to the first embodiment of Jaskiewicz which uses a pump in the glove to fill stitched permanent pockets with air when necessary. However, the first embodiment does not teach removable pockets prefilled with air. A person would not be motivated to modify the first embodiment of Jaskiewicz because there is no teaching of attaching air pockets by Velcro in the first embodiment. Furthermore, a person would not be motivated to stack the air pockets (second embodiment) because there is only Velcro attachment on one side of the air pocket. Additionally, the air pocket creates a bubble and not a flat surface. The bubble in the air pocket teaches away from Applicant’s invention because non-flat surfaces are hard to stack.

Accordingly, Applicant respectfully urges that Jaskiewicz is legally insufficient to make obvious the presently claimed invention under 35 U.S.C. § 103 because of the absence of the Applicant's claimed novel *the plurality of layers being arranged relative to the base layer to provide a selected number of protective layers to selected locations that correspond to the injury to the median nerve, the user's thumb, or bones or joints covered by the glove, the protective layers being configured to fasten to the base layer and to one another to provide at a given selected location the protection of a desired number of layers and to provide at any other selected locations as needed the protection of the same or a different number of layers.*

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any fee occasioned by this paper to our Deposit Account
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Respectfully submitted,

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